

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.8389 of 2021

Ranjan Kumar Moharana

....

Petitioner

Mr. S.K. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. K.K. Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

10.03.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R., case diary, the statement of the witnesses and other relevant documents on record.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in G.R. No.351 of 2021 arising out of Jatni P.S. No.336 of 2021 pending in the court of learned J.M.F.C., Jatni for commission of offence punishable under Sections 384/354-A/294/605/354-C/507/509/34, I.P.C. read with Sections 66-E/67/67A of the Information Technology Act, 2000.
5. The prosecution story shorn of all details is that on dated 14.07.2021 at about 6.20 P.M. the informant appeared before the Police Station and reported that she had love affairs with the present petitioner and his another friend, namely, Suraj, Bibek and Rocky

were shoot her necked nude photographs and videos. Thereafter, they started blackmailing to the informant by saying unless she keeps physical relationship with them, they would made viral of those photographs and videos through social media. They were also demand rupees two lakhs and also threatening to kill her and put acid on her face. The petitioner had also sent the nude photos to her Aunty mobile phone and threatened to make it viral if she failed to give case of rupees two lakhs within seven days.

6. Learned counsel for the Petitioner submits that the Petitioner is in custody since 31.07.2021 and in the meantime, investigation has been concluded and charge-sheet has already been submitted by the I.O. He further submits that the victim is a major one. He further submits that the there was love relation with the petitioner and the victim and the other friends of the petitioner has taken the alleged photographs of the victim and demanded money, which is not known by the petitioner.

7. Learned counsel for the Petitioner further submits that as per allegations made in the F.I.R., is false and frivolous and the omnibus allegations made in the F.I.R. Further, learned counsel for the Petitioner submits that there is no scope for absconding or fleeing away from the hands of the justice, as the Petitioner is a permanent resident of the locality.

8. Mr. Nayak, learned Additional Standing Counsel for the State, vehemently, opposes the prayer for bail of the Petitioner on the ground that the alleged crime is heinous in nature. Therefore, he prays for rejection of the bail application of the Petitioner. He also submits that in the event the Petitioner released on bail, he might threaten / influence the prosecution witnesses particularly the victim. Further, he submits that in the event this Court is inclined to release

the Petitioner on bail, some stringent terms and conditions may be imposed.

9. Having heard the learned counsels for the parties, considering the nature of allegation and the period of custodial detention of the Petitioner, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that :-

- I. The Petitioner shall not be involved in any offence of similar nature;
- II. He shall not tamper with the prosecution evidence or make any attempt to threaten or influence the witnesses especially the victim or her family members in any manner whatsoever;
- III. He shall not make any default in attending the court during trial on each date; and
- IV. He shall not make any attempt to contact the victim and shall stay away from the victim and her family members.

Violation of any of the terms and conditions shall entail cancellation of bail.

10. It is open for the court in seisin over the matter to impose other conditions may deem just and proper.

11. The Bail Application is accordingly disposed of.

12. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge